

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ORDER DIRECTING CLERK TO DOCKET *IN FORMA PAUPERIS* MOTION
IN THIS CASE AND AGAIN DIRECTING PLAINTIFF TO
COMPLY WITH 28 U.S.C. § 1915(a)(2) OR PAY THE \$400 CIVIL FILING FEE

The *pro se* prisoner Plaintiff, Derrick Ranard Braden, who is presently incarcerated at the Bledsoe County Correctional Complex (“BCCX”) in Pikeville, Tennessee, filed a complaint pursuant to 42 U.S.C. § 1983 on May 24, 2016. (ECF No. 1.) However, Plaintiff neglected to submit either the civil filing fee or a motion to proceed *in forma pauperis* and a copy of his trust account statement, as required by the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b). Therefore, on May 25, 2016, the Court issued an order directing Plaintiff to either pay the entire \$400 filing fee or submit a motion to proceed *in forma pauperis* and a copy of his inmate trust account statement within 30 days. (ECF No. 3.)

In another case recently filed by Plaintiff, *Braden v. Haslem, et al.*, No. 16-2346-JDT-tmp (W.D. Tenn. filed May 18, 2016), the Court also issued a deficiency order directing

Plaintiff to either pay the filing fee or comply with the PLRA. (No. 16-2346-JDT-tmp, ECF No. 3.) In response, Plaintiff filed a motion for leave to proceed *in forma pauperis* in that case on July 1, 2016. (*Id.*, ECF No. 4.) Although Plaintiff did not include both case numbers on that motion, the Clerk is DIRECTED to docket a copy of the motion to proceed *in forma pauperis* in this case also.

The *in forma pauperis* motion filed by Plaintiff does not include a copy of his trust account statement. In addition, the affidavit form is not properly completed. In answering the question whether he has received income from various sources over the past twelve months, Plaintiff checked the box indicating that he has received gifts or inheritances. (*Id.* at 1.) However, Plaintiff did not answer the follow-up question directing him to explain the source of the money, specify the amount or amounts received, and state whether he expects to receive any additional funds in the future. No other questions on the form were answered.

Plaintiff is again ORDERED to submit, within 30 days after the date of this order, either the entire \$400 civil filing fee or a properly completed and executed application to proceed *in forma pauperis*¹ and a certified copy of his inmate trust account statement for the last six months. The Clerk is directed to mail Plaintiff another copy of the prisoner *in forma pauperis* affidavit form along with this order.

If Plaintiff fails to comply with this order in a timely manner the Court will deny leave to proceed *in forma pauperis*, assess the entire \$400 filing fee from his inmate trust account

¹ Plaintiff should fully answer all of the questions on the form even if his answers are “none” or “0”.

without regard to the installment payment procedures, and dismiss the action without further notice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE